DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

#12

Food and Drug Administration
Rockville MD 20857

JAN 30 1992

Re:Dermatop
Docket No. 91E-0476

Charles E. Van Horn
Patent Policy and Projects Administrator
Office of the Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Crystal Park Building 2, Suite 919
Washington, D.C. 20231

Dear Mr. Van Horn:

This is in regard to the application for patent term extension for U.S. Patent No. 4,242,334 filed by Hoechst Celanese under 35 U.S.C. 156. The human drug claimed by the patent is Dermatop (prednicarbate), NDA No. 19-568.

A review of the Food and Drug Administration's official records indicates that this product was subject to a regulatory review period before its commercial marketing or use, as required under 35 U.S.C. 156(a)(4). Our records also indicate that it represents the first permitted commercial marketing or use of the active ingredient, prednicarbate.

The NDA was approved on September 23, 1991, which makes the submission of the patent term extension application on November 12, 1991, timely within the meaning of 35 U.S.C. 156(d)(1).

Should you conclude that the subject patent is eligible for patent term extension, please advise us accordingly. As required by 35 U.S.C. 156(d)(2)(A) we will then determine the applicable regulatory review period, publish the determination in the Federal Register, and notify you of our determination.

Please let me know if we can be of further assistance.

Sincerely,

Ronald L. Wilson

Ronald L. Wilson, Director
Health Assessment Policy Staff
Office of Health Affairs

cc: Tatsuya Ikeda
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